

Message Text

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44

ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 ACDE-00 SSO-00

NSCE-00 USIE-00 INRE-00 AF-08 ARA-06 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NASA-01 NEA-10 NSAE-00 NSC-05

OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 SAJ-01 /117 W

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O R 191030Z JUL 76

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 1263

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

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LIMITED OFFICIAL USE SECTION 1 OF 2 GENEVA 5719

E.O. 11652: N/A

TAGS: PARM, CCD

SUBJ: CCD - ENMOD WORKING GROUP MEETING, JULY 16, 1976

1. SUMMARY: JULY 16 ENMOD WORKING GROUP MEETING COVERED
ARTICLES I AND II OF US-SOVIET DRAFT. MAJOR ISSUE
CONCERNING ART I, ASIDE FROM CONVENTION SCOPE, APPEARS
TO BE INCLUSION OF BAN ON THREAT OF USE OF ENMOD.
MAIN DEVELOPMENTS CONCERNING ART II ARE GROWING SUPPORT
FOR PLACING ILLUSTRATIVE LIST OF EFFECTS IN AN ANNEX
AND ADDING EXAMPLES OF RIVER-DIVERSION AND MODIFICATION
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OF ICE AND SNOW MASSES. DELEGATION SEEKS AUTHORIZATION

TO AGREE TO FOUR CHANGES IN TEXT TO DEAL WITH THESE ISSUES
(PARA 8 BELOW). END SUMMARY

2. ON SCOPE OF BAN, MISHRA (INDIA) SUGGESTED THAT GROUP
WORK TOWARD AGREED DEFINITIONS OF TERMS "WIDESPREAD,
LONG-LASTING OR SEVERE." ARGENTINA AND YUGOSLAVIA
REITERATED OPPOSITION TO LIMITED BAN, ARGENTINA DECLARING
THAT FOR GROUP TO WORK ON DEFINITIONS WOULD PREJUDICE ITS
POSITION.

3. UK AND SWEDEN WITHDREW THEIR CALL FOR DELETION OF
PHRASE "MILITARY OR ANY OTHER," AND YUGOSLAVIA STRONGLY
SUPPORTED ITS RETENTION. THIS APPEARS TO BE RECEDING AS
A MAJOR ISSUE, ALTHOUGH ARGENTINA MAY AGAIN RAISE IT.

4. JAPAN WITHDREW ITS SUPPORT FOR PROPOSAL TO DELETE
WORD "PARTY," ACCEPTING LIMITATION OF BAN TO ACTIONS
AGAINST OTHER STATES THAT HAVE ADHERED TO CONVENTION. NO
OTHER DELEGATION SUPPORTED OPEN-ENDED OBLIGATION AT
MEETING, BUT IT IS NOT YET CLEAR WHETHER THIS REPRESENTS
END OF INTEREST IN QUESTION.

5. EGYPT, SWEDEN, ITALY, AND JAPAN REPEATED CALL FOR
INCLUSION OF BAN ON THREAT OF USE. IN DOING SO, EGYPT
AND JAPAN DECLARED THAT IN VIEW OF PREVIOUS US STATEMENTS
INTERPRETING BAN ON THREAT AS BEING IMPLIED IN PRESENT
TEXT, US OBJECTION SEEMS TO BE FORMAL RATHER THAN
SUBSTANTIVE. SOVIETS HAVE PRIVATELY INFORMED US THAT
THEY WANT CO-SPONSORS TO AGREE TO BAN ON THREAT AS MEANS
OF OFFERING CONCESSION ON MORE PERIPHERAL ASPECT OF
ARTICLE I, ESPECIALLY IN VIEW OF CONCESSIONS BY OTHERS ON
PHRASE "MILITARY OR ANY OTHER HOSTILE."

6. ON ART II, LIKHACHEV (USSR) DEFENDED EXISTING LANGUAGE
IN BOTH TECHNICAL DEFINITION OF ENMOD AND IN ILLUSTRATIVE
LIST OF EFFECTS, ARGUING AGAINST ANY SUBSTANTIVE CHANGES
IN THE LATTER. US MADE SUGGESTION (AGREED TO BEFOREHAND
WITH SOVIETS) THAT WORD "EFFECTS" BE REPLACED BY WORD
"PHENOMENA" FOR GREATER CLARITY. FRG STATED IT WOULD NOT
PRESS ITS PROPOSAL TO DELETE "CHANGES IN OCEAN CURRENTS"
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FROM LIST OF EXAMPLES. NETHERLANDS ENDORSED FRG PROPOSAL
TO DELETE "TSUNAMIS," ARGUING THAT TSUNAMIS ARE PRODUCED
BY EARTHQUAKES, WHICH ARE ALREADY INCLUDED IN LIST.
ARGENTINA, MEXICO, AND NETHERLANDS SUPPORTED FRG PRO-
POSAL TO ADD "CHANGING NATURAL COURSE OF RIVERS AND
MODIFICATION OF NATURAL DRAINAGE SYSTEMS"; NETHERLANDS CITED
CONCERN OVER USE OF SUCH TECHNIQUES TO CAUSE FLOODS OR
DROUGHT. NETHERLANDS AND FRG ENDORSED JAPANESE PROPOSAL

TO INCLUDE "CHANGES IN DISTRIBUTION OF ICE AND SNOW
MASSES ON LAND SURFACES AND OCEANS" IN LIST. JAPAN, IN
FURTHER EXPLANATION OF THIS PROPOSAL, MENTIONED CONCERN OVER
CHANGES IN POLAR ICECAPS. SWEDEN, NETHERLANDS, AND MEXICO
ADVOCATED REMOVING LIST FROM BODY OF CONVENTION AND
MAKING IT AN ANNEX AS MEANS OF EMPHASIZING ITS ILLUSTRATIVE
CHARACTER AND GIVING A SENSE THAT IT COULD BE SUBSEQUENTLY
CHANGED WITHOUT REOPENING BODY OF TEXT.

7. IN CONSULTATIONS WITH US DELOFFS FOLLOWING MEETING,
NAZARKIN (SOV DELOFF) SAID SOVIETS WERE PREPARED TO AGREE
TO MAKING ILLUSTRATIVE LIST AN ANNEX TO CONVENTION, BUT
WOULD ARGUE AS A CONDITION FOR DOING SO THAT NO CHANGES
BE MADE IN LIST. NAZARKIN SAID SOVIETS WERE WILLING TO
AGREE TO AN EASIER AMENDMENT PROCEDURE FOR ANNEX THAT
FOR TEXT OF CONVENTION ITSELF; US DELOFFS, HOWEVER,
EXPRESSED STRONG DOUBTS THAT THIS WOULD BE ACCEPTABLE,
SINCE CHANGES IN ANNEX COULD BE USED AS MEANS OF
"REINTERPRETING" SCOPE OF CONVENTION. DELOFFS ALSO
EXPRESSED DOUBTS THAT AGREEMENT TO MOVE LIST TO AN ANNEX
WOULD BE SUFFICIENT TO OVERCOME PRESSURES FOR CHANGES IN
LIST. IN THIS CONNECTION, DELOFFS TOLD NAZARKIN IT WAS
OUR IMPRESSION THAT DUTCH AND FRG WOULD ACCEPT INCLUSION
OF PHRASE "FLOODS OR DROUGHT" AS ALTERNATIVE TO THEIR
RIVER DIVERSION PROPOSAL AND THAT JAPANESE MIGHT BE
PREPARED TO AGREE TO "CHANGES IN POLAR ICECAPS" AS ALTER-
NATIVE TO THEIR PROPOSAL. DELOFF NOTED THAT ALTHOUGH US
DEL DID NOT AT PRESENT HAVE AUTHORITY TO AGREE TO THESE
FORMULAS, THEY APPEARED COMPATIBLE WITH OTHER PHENOMENA
CURRENTLY INCLUDED IN LIST AND US DEL WOULD RECOMMEND TO
WASHINGTON THAT IT BE AUTHORIZED TO AGREE TO THEIR
ADDITION TO LIST. NAZARKIN SAID ANY CHANGES WOULD REQUIRE
LONG AND CAREFUL REVIEW IN MOSCOW, BUT THAT SOVIETS WOULD
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CONSIDER POINTS RAISED BY US DEL.

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ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ACDE-00 ISO-00 SSO-00

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E.O. 11652: N/A

TAGS: PARM, CCD

SUBJ: CCD - ENMOD WORKING GROUP MEETING, JULY 16, 1976

8. RECOMMENDATIONS. DEL BELIEVES IT WOULD BE DESIRABLE AND ADVANTAGEOUS TO HAVE AUTHORITY AT THIS STAGE TO AGREE TO THE FOLLOWING PROPOSALS:

(A) ADDITION OF A PROHIBITION OF THREAT. ASIDE FROM THE CONVENTION'S SCOPE ITSELF, AND THE USE OF THE PARTICULAR WORDS "WIDESPREAD, LONG-LASTING, OR SEVERE," LIMITED OFFICIAL USE

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THE MOST SERIOUS ISSUE OUTSTANDING IN ARTICLE I APPEARS TO BE THE QUESTION OF BANNING THREAT. OUR ARGUMENTS THAT BANNING THREAT WOULD NOT ADD SIGNIFICANTLY TO CONVENTION'S CONTENT AND THAT IT COULD GIVE RISE TO AMBIGUOUS CASES HAVE NOT BEEN CONVINCING TO PROPONENTS OF THE AMENDMENT, AMONG WHOM ARE SWEDEN, JAPAN, ITALY, FRG, AND EGYPT. WE BELIEVE THAT AGREEING TO THIS AMENDMENT, WHICH IS CONSISTENT WITH UN CHARTER ARTICLE 2(4) AND WITH PREVIOUS U.S. UNDER-

TAKING IN CONTEXT OF TREATY OF TLATELOLCO "NOT TO USE OR THREATEN TO USE" NUCLEAR WEAPONS AGAINST PARTIES TO LATIN AMERICAN NUCLEAR-WEAPONS-FREE ZONE, WOULD HAVE AN IMPORTANT PSYCHOLOGICAL IMPACT IN THE ARTICLE I NEGOTIATIONS. IT WOULD GIVE OTHER DELEGATIONS A FEELING THAT A PROVISION THEY CONSIDER IMPORTANT HAS BEEN INCORPORATED IN THE ARTICLE, THUS HELPING TO COUNTER IMPRESSION THAT COMMITTEE HAS BEEN PRESENTED WITH NON-NEGOTIABLE DOCUMENT. BY REMOVING MAJOR REMAINING OBJECTION OF SOME KEY DELEGATIONS, ESPECIALLY SWEDEN, ACCEPTANCE OF A BAN OF THREAT COULD HELP ENSURE THEIR POSITIVE SUPPORT FOR ARTICLE AS IT STANDS.

(B) PLACING ILLUSTRATIVE LIST OF PHENOMENA IN AN ANNEX. THIS IDEA APPEARS TO BE GAINING SIGNIFICANT SUPPORT (INCLUDING ACCEPTANCE BY SOVIETS). DELEGATION DOES NOT BELIEVE THIS WOULD SUBSTANTIVELY AFFECT EXISTING ARTICLE. ALTHOUGH SOME PROPONENTS CLEARLY WANT AN ANNEX TO BE SUBJECT TO EASIER AMENDMENT PROCEDURES, WE WOULD PLAN TO OPPOSE THIS IDEA.

(C) ADDITION OF PHRASE "FLOODS OR DROUGHT" TO ILLUSTRATIVE LIST. MANY DELEGATIONS, RECOGNIZING THE LIMITED IMPACT THEY CAN HAVE ON ARTICLES I AND V OF THE DRAFT, ARE DETERMINED, AT A MINIMUM, TO PLAN SOME ROLE IN THE DEVELOPMENT OF THE ILLUSTRATIVE LIST. THE PROPOSAL TO ADD RIVER DIVERSION HAS GAINED PARTICULARLY IMPORTANT SUPPORT, WHICH APPEARS TO BE GROWING. HOWEVER, AS INDICATED ABOVE, NETHERLANDS AND FRG HAVE INDICATED THEY COULD ACCEPT PHRASE "FLOODS OR DROUGHT", SINCE THESE ARE THE PARTICULAR PHENOMENA RESULTING FROM RIVER DIVERSION THAT CONCERN THEM. WE HAVE ALREADY IN THE PAST STATED THAT "PRECIPITATION MODIFICATION TO CAUSE FLOODS OR DROUGHT" WOULD BE PROHIBITED SINCE THIS WOULD BE A WIDESPREAD, LONG-LASTING, OR SEVERE EFFECT. THUS, AGREEING TO INSERT THE WORDS WOULD BE CONSISTENT WITH OUR INTERPRETATION OF THE TREATY AND OF THE NATURE OF THE ILLUSTRATIVE LIST, WHILE TAKING INTO ACCOUNT PROBLEMS OF CONCERN TO PROPONENTS OF RIVER DIVERSION.

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(D) ADDITION OF REFERENCE TO "CHANGES IN POLAR ICECAPS." WE HAVE EXPRESSED DOUBT THAT CHANGES IN "DISTRIBUTION OF ICE AND SNOW MASSES" -- ALTHOUGH THEY WOULD BE PHENOMENA CAUSED BY ENMOD TECHNIQUES -- WOULD HAVE, OR COULD REASONABLY BE EXPECTED TO HAVE, WIDESPREAD, LONG-LASTING, OR SEVERE EFFECTS; THIS EXAMPLE WOULD THUS NOT SHARE THIS BASIC CHARACTERISTIC OF THE OTHER PHENOMENA PRESENTLY IN THE LIST. WE BELIEVE THIS DIFFICULTY COULD BE OVERCOME BY REFERRING TO CHANGES IN POLAR ICECAPS, WHICH THE JAPANESE HAVE INDICATED IS THE MAJOR CONCERN OF THEIR PROPOSAL, SINCE SUCH CHANGES WOULD RESULT, OR COULD BE EXPECTED TO RESULT, IN THE PROHIBITED EFFECTS. THIS PHRASING WOULD NOT SATISFY INDIA, WHICH APPARENTLY HAS HIMALAYAS IN MIND AS WELL, BUT WE BELIEVE IT WOULD BE ACCEPTABLE TO JAPANESE AND OTHER SUPPORTERS OF JAPANESE PROPOSAL.

9. DEL BELIEVES THAT U.S. FLEXIBILITY ON THESE POINTS WOULD SUBSTANTIALLY FACILITATE ARTICLES I AND II DISCUSSIONS, AND THAT IT WOULD BE TACTICALLY DESIRABLE TO SHOW MOVEMENT ON THEM IN THE NEAR FUTURE, BEFORE POSITIONS OF OTHER DELS BECOME RIGID. WE THEREFORE REQUEST WASHINGTON VIEWS AS EARLY AS POSSIBLE.

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Message Attributes

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